1947. File No. O. Matadars 47

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Legal DEPARTMENT

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Subject:—

Opinions under the

P3E Matadars Act 1887.

File No. O. Matadars. 47

Std. Sectt. Slip 24 B e.

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C O N T E N T S.

Legal Department File No. C. Matadars /1947.

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| | | Opinions under the Matadars Act, 1887. | |
| 1. | O.NO. 10852 / 15-11-47. | Regarding staying Patil's election proceedings Section 8 and 10. | 1-2. |
| 2. | O.No. 11325 /27-11-47. | Alteration of entry in Mata Register. | 3-4. |

Typed. 8/5/56. 5c.

Submitted.

2. Please see R.L.A.'s opinion No.3662, dated 28-6-1946. In accordance with this opinion H.M.(R) directed that Government orders issued in para 2 of G.E.No.9932/33-F, dated 30-11-38 should be restored immediately. Govt. therefore by its letter No. 9932 /33-20540-F,dated 17-12-1946, informed the Collector that the Govt. has decided that all the five branches of the matadar family should be given an equal right of service in accordance with the letter. The Collector was also requested to hold fresh proceedings for the appointment of a new Patil and give effect to the orders referred to above. The Collector now states that matadars Babubhai Chhaganbhai and Girdharbhai Desaibhai who are working as Revenue and Police Patils at present have given notice under sec.80 of the Civil Procedure Code threatening a civil suit and stating that the proceedings of Patai be stayed till the Court decides the matter. The Collector therefore solicits instructions whether fresh election of Patels be stayed or steps for holding election be taken until a stay order is received from the Court. In view of the threatened litigation the papers are shown by the Secy. R.D. to the R.L.A. for advice.

Reply may be:-

In the absence of a prohibitory order from a competent court, the Collector need not stay the proceedings for the election of Patel the suit, if filed, would be defencable.

Id/- P.M.L. 6/11/47.

A.L.R. Id/-R.T.K. 7/11

R.L.A. Id/-P.M.L. 16/11

U.R. to R.D. No.10852, dated 15-11-1947.

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Office of the R.L.A.

Alteration of entry in Mata Register: Matadars Act, 1887 Sections 8, 10.

Once an entry is made in the Mata Register under section 8 of the Matadars Act, 1887 such entry can be changed on the death of a representative or other matadar under section 8 or on the production of a certificate of heirship or a decretal order of a competent Court under section 10. There is no provision in the Matadars Act enabling any change in the entry in Mata Register on the consent of the person whose name has been entered. The fact that Bai Lala is a very old woman and has no objection to the name of Jivabhai being entered vice her in the present case would not be valid ground for altering the entry in the Mata Register. Since Bai Lala is presumabl aggreeable to Jivbhai's name being entered as the proper preferential heir, the proper course would be to ask the parties to get a consent decree of the Court to that affect whereafter the change in the Mata Register can be affected under section 10-

~~O.C.~~

Id/- P.M.L. 26/11
Remembrancer of Legal Affairs.

U.R. to R.D. No.11325, dated the 27th November 1947.

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